

**THE SCOTT FIRM, P.C.**

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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X  
EDMUND BRYAN,

Plaintiff,

against

MEMORIAL SLOAN KETTERING CANCER CENTER,

Defendant

ECF CASE  
07cv7300 (SHS)

Affidavit of  
Audwin Fogle in  
Opposition to  
MSKCC's Motion  
for Summary  
Judgment

-----X  
AUDWIN FOGLE hereby declares under penalty of perjury:

1. I worked with Edmund Bryan and Rupert Gillette, as a technician, for six years at MSKCC until 2006.
2. When I first arrived at MSKCC as a new employee, Rupert Gillette told me that I should not speak to Edmund Bryan because he was not approachable and not stable.
3. On one occasion, co-worker Michael Rodriguez called Edmund Bryan and I "faggots" in the presence of Rupert Gillette. Mr. Gillette did nothing to correct Mr. Rodriguez for his behavior.

4. When I reported this incident to my manager, John Meggs, nothing was done. I was called a “fucking dick” by Mr. Rodriguez in the presence of Mr. Meggs and nothing was done to correct this behavior.
5. On one occasion, Rupert Gillette told co-workers Michael Rodriguez, Kenneth Waldron and I, that Edmund Bryan played “grabbing dick” games with another male co-worker.
6. Rupert Gillette exercises a great deal of control over an employee’s ability to get promoted because he can write up employees for alleged work infractions. If an employee has been written up within the previous six month period, that employee is not eligible for promotions when they become posted.
7. Rupert Gillette would write me up for frivolous reasons as a means of preventing me from being eligible for promotion.
8. Edmund Bryan trained many of our co-workers at the direction of Rupert Gillette.
9. Edmund Bryan knew how to operate hospital equipment that Rupert Gillette, as the supervisor, did not know how to operate.
10. On one occasion, co-worker Effraim Perez spit in my face and cursed me in the work place. I complained to management and nothing was done to correct his behavior.
11. I witnessed Edmund Bryan train Miguel Ruiz.
12. Miguel Ruiz had little operational knowledge when he came to MSKCC and he would ask questions about basic operations.
13. I helped Edmund Bryan retrieve his medical health benefits package from the trash after it was thrown out by Rupert Gillette.

14. The job position of Lead Technician that was filled by Miguel Ruiz was never posted in the work area or announced by our supervisors.

15. Rupert Gillette and some co-workers would go out to drink during our work shift. When they returned, they would be drunk and Rupert Gillette would order the employees, including Edmund Bryan, who had not gone out drinking to do the work of the employees who were drunk.

16. Rupert Gillette would improperly white out the name of Edmund Bryan from the work schedule.

Dated: Brooklyn, New York  
June 20, 2007

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AUDWIN FOGLE